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EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/026,922

Applicant(s)

BOURET ET AL.

Examiner

Yves Dalencourt

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-28, 30 and 32-35 is/are rejected.
- 7) ☐ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is responsive to communication filed on 05/02/2006.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Amendment***

The Examiner has acknowledged Applicant's amendment.

### ***Claim Objections***

Claim 9 is objected to because of the following informalities: It is suggested to change the dependency of claim 9 to claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, the limitation of " wherein said information communicated by means of the protocol the establishment of interfaces between the interface entity and the external service provider without any beforehand defined interfaces for the service provisioning is unclear. It is not clear to what exactly Applicant meant by such limitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 7, 11, 13, 14, 17, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Orfali, hereinafter). Orfali reference is based on CORBA and JAVA technologies; Orfali reference incorporates CORBA specifications/documentations at [www.vv.omg.org](http://www.vv.omg.org) (the website is referenced on page 973 of Orfali). For the purposes of examination, the relevant document is "CORBAServices: Common Object Services Specification." (CORBA 1, hereinafter) in view of Michael S. Horn (US 6,192,414; hereinafter Horn).

With regard to amended portions of claim 1, CORBA 1 shows:  
broadcasting from said at least one external service provider offers that associate with services to an interface entity associated with the data network [See page 16-2 of CORBA-1. Exporting trader (external to an importing trader) sends offers. See section 16.2.7 of CORBA\_1.

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See paragraph 4, on page 16-2 of CORBA\_1. The paragraph describes a client working with a trader, which then sends offers to a federation of traders. Thus, offers are "broadcast" to more than one interface entity (See Section 16.1.1 and 16.1.2, which indicate that the message maybe sent to more than one service ("broadcasting")); processing the broadcast offers at the interface entity in order to make a decision regarding the acceptance of the offers [See page 16-9 of CORBA-1, Section 16.2.7].

CORBA\_1 discloses all the limitations, but fails to teach the step of establishing all interfaces required for providing a service connection based on information communicated by means of said protocol.

However, Horn teaches an analogous network communications system manager, which discloses the step of establishing all interfaces required for providing a service connection based on information communicated by means of said protocol (figs. 7 and 10; col. 5, lines 15 – 36; col. 6, line 59 through col. 7, line 29).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of CORBA\_1 by establishing all interfaces required for providing a service connection based on information communicated by means of said protocol as evidenced by Horn for the purpose of providing a communications network which ensures that information can be continuously and reliably transmitted through the use of multiple network connections.

With reference to clam 7, CORBA\_1 and Horn disclose all the limitations in claim 1, and CORBA\_1 shows that an authentication procedure is accomplished between the interface entity of the data network and the external service provider. See Section 15.3.1 on page 15-18 and Fig. 15-3 on page 15-19 of CORBA\_I. Note that the Security Service is one of CORBA services.

With reference to claim 11, CORBA\_1 and Horn disclose all the limitations in claim 1, and CORBA\_1 shows a step of modifying the requested service to-be-suitable for use in the data network

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based on information communicated by means of said protocol (See Modify operation on page 16-42 of CORBA\_1).

With reference to claim 13, CORBA\_1 and Horn disclose all the limitations in claim 1, and CORBA\_1 shows at least one of the .services comprises a call management service. See the call management services provided by Link interface in Section 16.5.6 on page 16-49 of CORBA\_1. Link service manages how calls are made to a set of traders.

With reference to claim 14; CORBA\_1 and Horn disclose all the limitations in claim 1, and CORBA\_1 shows that at least one of the clients comprises an end user of the data network. The CORBA end user is the one who calls one of the functions of the interfaces Register and Lookup in the Section 16.5 of CORBA\_1.

With reference to claim 17, CORBA\_1 and Horn disclose all the limitations in claim 16, and CORBA\_1 shows the service discovery interface discovers only selected offers. See Fig. 16-3, in CORBA\_1. Note the query operations for Lookup interface.

With reference to claim 22, CORBA\_1 and Horn disclose all the limitations in claim 1, and CORBA\_1 shows the interface entity comprises a plurality of application programming interfaces. All of the Section 16.5 of CORBA 1 is devoted to describing application programming interfaces.

With reference to claim 23, Orfali and Horn disclose all the limitations in claim 1, and Orfali shows that wherein the data network is adapted to communicate packet data. It suffices to note that HOP (see page 14 of Orfali) stands for Internet Inter-ORB Protocol. The Internet transports IP packets.

With reference to claim 24, Orfali and Horn disclose all the limitations in claim 1, and Orfali shows that the communication in the data network is based on the Internet Protocol (IP). It suffices to note that HOP (see page 14 of Orfali) stands for Internet Inter-ORB Protocol. The Internet transports IP packets.

Claims 5-6, 12, 16, 18-21, 27-29, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orfali, Horn, and other references that it incorporates.

With reference to claims 5, 6, and 12, CORBA\_1 shows the step in which the at least one [external] service provider offers the services based on said protocol, but does not indicate that the service provider is external. See paragraphs 2, on page 16-2 of CORBA-1, for the procedure in which the service provider gives a trader its service and location of the interface. Note that the service --is-based-on-IIOP (Internet Inter-ORB Protocol). It would have been obvious to one skilled in the art at the time of the invention, to allow services nodes that are external to the intranet, because the CORBA uses HOP (Interoperable Internet Object Protocol), which is designed to use the Internet and thus have access to services world-wide (See paragraph 3, of page 16-2 of CORBA\_1).

With reference to claim 6, CORBA-1 shows that the offers are broadcast to be received by interface entities of at least two data networks. See paragraph 4, on page 16-2 of CORBA\_1. The paragraph describes a client working with a trader, which then works with federation of traders. Thus, offers are broadcast to more than one interface entities. However, it is not shown whether there are more than one data networks involved.

It would have been obvious to one skilled in the art at the time of the invention that there are more than one data networks from which the trader federation is composed, because CORBA uses 110P (Interoperable Internet Object Protocol), which is designed to use the Internet and thus have access to services, and therefore, to networks, world-wide (See paragraph 3, of 16-2).

With reference to claim 16, CORBA-1 shows a service discovery interface of the interface entity monitors for offers by the at least one service provider. See Lookup interface in Section 16.5 of CORBA\_1. CORBA\_1 does not show that one of the traders or that registered service is external to the network.

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The rationale for obviousness for having external service provider is as same as that given for claim 5.

With reference to claim 18, CORBA\_1 and Horn disclose all the limitations in claim 1, and CORBA\_1 shows the interface entity sends an inquiry for a service to at least one [external] service provider. See Sections 16.1.1 and 16.1.2 in CORBA\_1, where a trader sends an inquiry for service to other traders. CORBA 1 does not show that one of the end service providers is external to the network.

The rationale for obviousness for having external service provider is as same as that given for claim 5.

With reference to claim 19, CORBA\_1 shows that the inquiry is broadcast to possible service providers. Sections 16.1.1 and 16.1.2 of CORBA- t indicate that the message maybe sent to more than one service.

With reference to claim 20, CORBA\_1 shows that the offers by the at least one service provider are registered in a register function. See Register described in Section 16.5.3 of CORBA\_1. The limitation, which CORBA 1 does not show, that of the service provider being external, has been discussed with claims 18 and 19.

With reference to claim 21, CORBA\_1 in combination with Horn do not show that charging interface of the interface entity is employed for signing or a service usage agreement. However, Orfali, on page 892, shows an interface for billing a client.

It would have been obvious to provide an interface for charging a client, in order to bill the client for use of a particular service.

Claims 27-28 and 32-35 substantively incorporate all the limitations of claims 1, 5, 7-9, 17, 22, and 23, but in apparatus or product form.



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The reasons for the rejections of claims 1, 5, 7-8, 17, 22, and 23 apply to claims 27-28 and 32-35. Therefore, claims 27-28 and 32-35 are rejected for substantively the same reasons.

Claims 2-4 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orfali and Horn, in view of "OMG Members Meet to Advance Integration Standards." (CORBA SOAP, hereinafter) and Deason.

Claim 2 refers to the protocol in claim 1 as SIP, which Orfali in combination with Horn do not show but Deason shows.

It would have been obvious to use SIP and SOAP to one of ordinary skill at the time of the invention, because as Deason shows using SOAP over SIP (See the Abstract, page 1 of Deason). In addition, it would have been obvious to use SOAP to make object calls to CORBA servers, as explained in the third paragraph on page 1 of CORBA\_SOAP. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use SIP as the underlying protocol in accessing CORBA objects via SOAP.

Claims 3-4 refer to SOAP and HTTP, neither of which Orfali and Horn show in combination with CORBA. However, CORBA SOAP illustrates shows SOAP and HTTP (the third paragraph in page 1 of CORBA\_SOAP). It would have been obvious to one of ordinary skill in the art at the time of the invention to use SOAP and CORBA, because CORBA\_SOAP shows the concept of having a system that uses SOAP over HTTP to access CORBA servers. See the third paragraph in page 1 of CORBA SOAP.

Claim 30 substantively incorporates all the limitations of claims 2-4, but in apparatus or product form. The reasons for the rejections of claims 2-4 apply to claim 30. Therefore, claim 30 is rejected for substantively the same reasons.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orfali, in view of "Parlay APIs 2.1: Generic Messaging Service Interfaces." (PARLAY MESSAGING, hereinafter)

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With reference to claim 15, Orfali does not show that the services are provided based on a model that is modified from a model defined by the Parlay Group. PARLAY MESSAGING shows a -messaging model.

It would have been obvious to one skilled in the art at the time of the invention to implement a model that is defined by the Parlay Group in PARLAY MESSAGING, because many of the underlying functionalities described in PARLAY MESSAGING are required for messaging services. See CORBA Event Services, on page 58 of Orfali.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orfali and Horn, in view of Webmail.us host webpage (WEBMAIL, hereinafter)

With reference to claim 25, Orfali and Horn do not show the operator of the data network pays for the use of at least one service offered by the at least one external service provider. WEBMAIL shows an arrangement in which email service is hosted on an external service provider. A small business or a company with a network could hire the WebMail.us and pay for its use.

It would have been obvious to one of ordinary skill in the art at the time of the invention to hire WebMail.us to provide a mail hosting service for a data network, because providing web mail hosting is what the company does for business.

Claim 26 is rejected under 35 U.S.C. 103(a) a.5 being unpatentable over Orfali and Horn, in view of "Configuring Easy IP" (PPP, hereinafter).

With reference to claim 26, Orfali does not show that a point-to-point like connection is established based on information communicated by means of said protocol. PPP shows using point-to-point protocol, on page 2 under the heading "List of Terms."

It would have been obvious to establish point-to-point connection to one of ordinary skill in the art at the time of the invention, because the point-to-point protocol is used for dynamic client IP address allocation for providing network services.

***Allowable Subject Matter***

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claim 9 should be incorporated into claim 1, and claim 29 into claims 27 and 35.**

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 10, 2006

A handwritten signature in black ink, appearing to read "Yves Dalencourt", with a long horizontal line extending to the right.

**YVES DALENCOURT**  
**PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2100**